

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE SPECIAL MEETING

Wednesday, March 21, 2018  
9:30 a.m.

Supervisor Scott Haggerty, Chair  
Supervisor Nate Miley

Location: County Administration Building  
Board of Supervisors Chamber  
1221 Oak Street, Room 512  
Oakland, CA 94612

## Summary/Action Minutes

### I. Local Agency Management Plan (LAMP)

#### Attachment

Ron Browder, Director, Environmental Health Department, Health Care Services Agency, presented a PowerPoint presentation on the Local Agency Management Plan.

In 2012, the State Water Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy required that local agencies wishing to regulate OWTS submit a Local Agency Management Plan (LAMP) to the Water Board for approval.

Per the Onsite Wastewater Treatment Systems (OWTS) Policy, a local agency shall not implement a program different than the minimum standards contained in Tier 1 and Tier 3 of the Policy after sixty (60) months from the effective date of the Policy (May 17, 2018) until approval of the proposed LAMP is granted by either the Regional Water Board or State Water Board.

Upon adoption of the LAMP, the County's current OWTS Ordinance and Regulations will be replaced by the new OWTS Ordinance and Technical Manual

A separate new Ordinance containing the requirements for Individual/Small Water Systems as outlined in Section 50 of the existing OWTS Regulations will be required to be adopted.

Water Board staff has prepared, as required, a public notice to provide an additional opportunity for written comment. The public comment period runs from March 13, 2018 through April 16, 2018, at 5 pm.

#### **Purpose:**

- ☒ **Report progress**
- ☐ Advocacy or Education
- ☐ Request Transportation and Planning Committee recommendation
- ☐ Other:

**Recommendation from Transportation & Planning Committee:** The Transportation and Planning Committee directed staff to contact the Home Energy Renovation Opportunity (HERO) Program for possible funding opportunities. Staff to do more outreach on the LAMP in the areas of Livermore and Sunol.

## **II. Consideration of Issues regarding County Ordinances for Cannabis Manufacturers, Distributors, Testing Laboratories and Microbusinesses – *continued from March 8, 2018*** [Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum for Consideration of Issues regarding County Ordinances for Cannabis Manufacturers, Distributors, Testing Laboratories and Microbusinesses.

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which was signed by the Governor in June of 2017 and amended by AB 133 in September of 2017, consolidated the licensure and regulation of commercial medicinal and adult-use cannabis activities. On November 16, 2017, the three state agencies with licensing responsibility for cannabis activities -- the Department of Consumer Affairs (CDCA), the Department of Food and Agriculture (CDFA), and the State Department of Public Health (CDPH) -- released revised regulations which were adopted through an emergency rulemaking process in order to take effect January 1, 2018.

The Bureau of Cannabis Control (BCC), which is part of CDCA, is responsible for licensing retailers, distributors, testing laboratories, and microbusinesses; CalCannabis, which is part of CDFA, is responsible for licensing cultivators; and the Manufactured Cannabis Safety Branch (MCSB) of CDPH, is responsible for licensing manufacturers of cannabis products. State regulations require that, with the exception of testing labs, licensees must hold an A-license to engage in adult-use commercial cannabis activity and an M-license to engage in medicinal commercial cannabis activity. A business may hold both A- and M-licenses at the same premises; however, the cannabis moving through the supply chains in each of the two license categories must be tracked separately.

Based on direction from the Transportation and Planning Committee, staff will report on options for the consideration of new ordinances for cannabis manufacturing operations, distributors, testing labs, and microbusinesses at the next Committee meeting.

### **Purpose:**

- ☐ Report progress
- ☐ Advocacy or Education
- ☒ **Request Transportation and Planning Committee recommendation**
- ☐ Other:

**Recommendation from Transportation & Planning Committee:** Staff given direction to draft ordinances for cannabis manufacturing operations, distributors, testing labs, and microbusinesses, to be reviewed at the next Committee meeting.

## **III. Discussion of Potential Cannabis Taxation Options – *continued from March 8, 2018*** [Attachment](#)

Henry Levy, Alameda County Tax Collector, presented a PowerPoint presentation on the potential Cannabis Tax Options.

State Taxes Enacted By Proposition 64 / SB 94:

- 15% excise tax on retail sales
- \$9.25 per ounce tax on flowers paid by cultivators
- \$2.75 per ounce tax on leaves paid by cultivators
- \$1.29 per ounce tax on fresh cannabis plants paid by cultivators

Retail sales also subject to existing sales & use tax (currently 9.25% in Unincorporated Alameda County)

## **Other jurisdictions Cannabis Tax**

City of Oakland

- 5% gross receipts medical
- 10% gross receipts recreational

City of Berkeley –5% gross receipts (lowered from 10%)

City of San Leandro - 6% of gross receipts, 8% of gross receipts in 2021, 10% maximum  
San Leandro only allows medical sales currently

City of Hayward –Authority to tax up to 15% of gross receipts

City of Los Angeles 5% gross receipts medical, 10% gross receipts recreational, 1% gross receipts, transportation, testing, or research, 2% manufacturing or cultivation

Other considerations include: taxation will require voter approval, 2ndReading of ordinance needs to be 88 days before the election.

### **Purpose:**

Report progress



**Advocacy or Education**



**Request Transportation and Planning Committee recommendation**



Other:

**Recommendation from Transportation & Planning Committee:** Support. Move to the full Board of Supervisors to:

- Prepare ballot initiative for the November 2018 election
- General purpose business license tax
- Supply chain segments separated (cultivation, manufacturing, retail etc)
- Maximum rate capped with Board authority to adjust rates
- Develop timeline

## **IV. PUBLIC COMMENT**

None.